



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 18 2013

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL # 70120470000020631630
RETURN RECEIPT REQUESTED

Mr. Ben Healy
President
Healy Biodiesel, Inc.
205 West 1st Street
Segwick, Kansas 67135

Re: Violations of Fuels Regulations
Notice of Violation (NOV): File No. AED/MSEB # 8058

Dear Mr. Healy:

The United States Environmental Protection Agency (EPA) has commenced an investigation of Healy Biodiesel, Inc. to determine compliance with Section 211 of the Clean Air Act (Act), 42 U.S.C. § 7545, and the regulations issued thereunder, found at 40 C.F.R. Part 80 (fuels regulations).

As a result of its investigation, the EPA has determined that for the 2010 reporting year, Healy Biodiesel, Inc. violated 40 C.F.R. § 80.1464 by failing to engage an independent certified public accountant or certified public auditor to perform the required attest engagement procedures and submit the required reports to the EPA by May 31st following the compliance year.

This NOV is issued to Healy Biodiesel, Inc. under Sections 205 and 211 of the Act, 42 U.S.C. §§ 7524 and 7545, for the violation identified above. Sections 205 and 211 of the Act authorize the EPA to assess a civil penalty of up to \$37,500 per day, plus the amount of any economic benefit or savings resulting from each violation, for violations that occurred after January 12, 2009.

In order to determine an appropriate penalty for each violation, the EPA considers: the gravity of the violation; the economic benefit or savings (if any) resulting from the violation; the size of your business; your history of compliance with the Act; actions taken by you to remedy the violation and prevent future violations; the effect of the penalty on your ability to continue in business; and other matters as justice may require. This NOV does not create any rights or waive any of your obligations under the Act, but rather is for the purpose of notifying you of the violations.

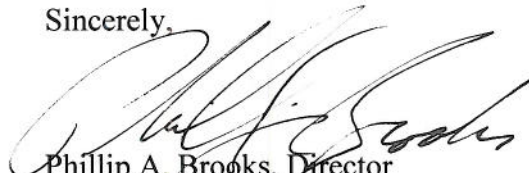
The EPA attorney assigned to this matter is Christopher A. Thompson. Please contact him regarding this NOV.

Christopher A. Thompson, Chief – Western Field Office
U.S. Environmental Protection Agency
Mobile Source Enforcement Branch
OECA/AED/Western Field Office (8MSU)
1595 Wynkoop Street
Denver, Colorado 80202-1129.

We encourage early settlement of matters such as this. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

We are offering you an opportunity to confer with us about the violations alleged in this NOV. The conference will give you an opportunity to present information on the alleged violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. You may contact Christopher A. Thompson at (303) 312-7156 or by email at Thompson.Christopher@epa.gov to request a conference. This request should be made as soon as possible, but no later than ten business days after your receipt of this NOV. Any conference should be held within 30 calendar days of your receipt of this NOV. By offering the opportunity for a conference, or participating in one, the EPA does not waive or limit its right to any remedy available under the Act.

Sincerely,



Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement